City of Seattle

Department of Planning and Development
D. M. Sugimura, Director

CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 3010982

Applicant Name: Julie Blazek

Address of Proposal: 14069 Hill Top Lane NW

SUMMARY OF PROPOSED ACTION

Land Use Application to install a drip irrigation drain field for on-site sewage disposal in an environmentally critical area.

The following approvals are required:

Variance – to allow disturbance within a steep slope area. Section 25.09.180.E

SEPA Determination: [X] Exempt [ ] DNS [ ] EIS

[ ] DNS with conditions

[ ] DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

Please Note: The original public notice for this project indicated that it was subject to environmental review under Seattle's SEPA ordinance. During review, the project was determined to be exempt from SEPA review as it is both accessory to and necessary for the single family residential use to continue.

BACKGROUND INFORMATION

Site Description

The site is located on Hill Top Lane NW, near the northernmost Seattle City Limits in northwest Seattle. The subject property contains steep slope Environmentally Critical Areas which slopes from the north down to the south, and is developed with a single family residence. Zoning for the site and all surrounding parcels is Single Family Residential with a minimum lot area of 9,600 square foot (SF 9600).

Description of Proposal

The applicant proposes to replace an existing failed septic system with a drip irrigation drain field for on-site sewage disposal (i.e. septic system) in an environmentally critical area. The existing residence was built in the 1960s, and relies on a septic system since there are no sewers available in this neighborhood. The original septic system has been in place since the house was built, with no major improvements, and is in need of replacement. The proposed upgrades to the septic system are to comply with King County Health Department requirements. Additions and renovations to the existing single family residence were approved under issued Building Permit No 6182197. The scope of this review is limited to the proposed installation of the septic system and reserve area, only.

The proposed drain field would be located down-slope from the residence, at the southern end of the property, near NW Culbertson Drive. The replacement septic field is proposed for the same area as the existing septic field. The project includes a required 'reserve' area for potential future expansion (which will not be disturbed at this time) to be located both adjacent to the installation and at the northwest corner of the property. The proposed development and reserve area would disturb approximately 15 percent of the steep slope area, including the area which was previously developed with the existing septic field. The project includes the placement of a new, subgrade pre-treatment vault at the northeast corner of the residence, a new underground 'dosing chamber' for aerobic treatment at the southeastern edge of the residence, and trenching along the eastern edge of the property for placement of transport lines. The new drain field will utilize "drip-irrigation technology" which allows installation about six inches under cover around existing trees and shrubs to limit disturbance. The technology also slows the release of flow to give smaller doses to the soils at any given time which allows soils to remain moist but not become saturated. The project includes about 278 cubic yards of grading (169 = cut, 109 = fill). Existing trees are to remain. Invasive species (such as English Ivy) will be removed. Any native shrubs and groundcover (Salal, Oregon grape, etc.) which are impacted will be replaced per the Landscape Plan (Sheet L1.0). The total area of native vegetation which will be disturbed is about 2, 609 sq. ft. With the exception of the subgrade vault to be located at the NE corner of the residence (which is not in a steep slope area) all work will be performed using hand-operated equipment.

Pursuant to SMC 25.09.080, 25.09.180, and 25.09.320, the proposal is required to comply with ECA requirements for landslide potential areas (which include steep slopes), and trees and vegetation.

Public Comment

Notice of the proposal was issued on March 4, 2010. One comment letter was received.

Environmentally Critical Areas Regulations

General Requirements and standards are described in Section 25.09.060 of the ECA ordinance (SMC Chapter 25.09). SMC Section 25.09.180 provides specific standards for all development

on steep slopes and steep slope buffers on existing lots, including the general requirement that development shall be avoided in these areas whenever possible. Trees and vegetation standards are found at SMC 25.09.320.

ANALYSIS – STEEP SLOPE AREA VARIANCE

Pursuant to SMC 25.09.180.E the Director may reduce the steep slope area buffer and authorize limited development in the steep slope area and buffer only when *all* of the facts and conditions stated in the numbered paragraphs below are found to exist:

SMC 25.09.180.E. Steep Slope Area Variance.

1. ***The Director may reduce the steep slope area buffer and may authorize limited intrusion into the steep slope area and steep slope buffer to the extent allowed in subsection E2 only when the applicant qualifies for a variance by demonstrating that:***

    a. ***the lot where the steep slope or steep slope buffer is located was in existence before October 31, 1992; and***

According to information provided by the applicant, the lot has existed since at least 1964, when the existing residence and septic system were built.

    b. ***the proposed development otherwise meets the criteria for granting a variance under Section 25.09.280B, except that reducing the front or rear yard or setbacks will not both mitigate the hardship and maintain the full steep slope area buffer.***

Given the location of the existing residence and drain field, and the presence of steep slopes over much of the property, the area available for the replacement drain field is very limited. There is not sufficient area available outside of the steep slope environmentally critical areas to build the required drain field and reserve area without intruding into the ECAs. The replacement drain field is necessary for the residence to be habitable. Reduction of front or rear yards will not mitigate the hardship created by the strict application of the steep slope standards.

Criteria and responses for granting a variance found in SMC 25.09.280.B is discussed below:

SMC 25.09.280.B. Yard and setback reduction and variance to preserve ECA buffers and riparian corridor management areas.

The Director may approve a yard or setback reduction greater than five feet (5') in order to maintain the full width of the riparian management area, wetland buffer or steep-slope area buffer through an environmentally critical areas yard or setback reduction variance when the following facts and conditions exist:

1. ***The lot has been in existence as a legal building site prior to October 31, 1992.***

See response to SMC 25.09.180.E.1.a, above.

2. Because of the location of the subject property in or abutting an environmentally critical area or areas and the size and extent of any required environmentally critical areas buffer, the strict application of the applicable yard or setback requirements of Title 23 would cause unnecessary hardship; and

See response to SMC 25.09.180.E.1.b, above.

3. The requested variance does not go beyond the minimum to stay out of the full width of the riparian management area or required buffer and to afford relief; and

This criterion is not applicable since there is no riparian management area or required (riparian) buffer on-site.

4. The granting of the variance will not be injurious to safety or to the property or improvements in the zone or vicinity in which the property is located; and

The applicant has provided a geotechnical report ("Geotechnical Engineering Services," (dated January 7, 2009 by GeoEngineers) together with an addendum (December 11, 2009) and a "Minimum Risk Statement" (April 21, 2010) stating that: "Provided the proposed improvements are completed in accordance with the plans and our recommendations, it is our opinion that areas disturbed by construction will be stabilized , the risk of damage to the proposed development or adjacent properties from soil instability will be minimal, and the proposed grading and development will not increase the soil movement."

The applicant has also submitted a memo from the designer of the septic system (DR Strong Consulting Engineers, Inc.) which compares the "drip irrigation technology" with conventional septic system design and concludes: "Drip irrigation is a good technology that is less damaging to the area where the installation occurs and spreads the flow more evenly over the entire area than other OSS (on-site sewage disposal system) technologies. Drip has a history of installation on steeper slopes with no installation or performance issues."

In addition, project plans indicate that installation of the septic system in the steep slope areas will be done using "hand operated equipment", no trees will be removed for the installation, and all disturbed areas will be re-vegetated with native shrubs, small trees (vine maple) and ground covers.

The proposed replacement of the septic system will be an improvement over the existing non-functioning system. Granting the variance to minimally intrude into the steep slope areas will not be injurious to safety, property, or improvements in the zone or vicinity.

5. ***The yard or setback reduction will not result in a development that is materially detrimental to the character, design and streetscape of the surrounding neighborhood, considering such factors as height, bulk, scale, yards, pedestrian environment, and amount of vegetation remaining; and***

No setback reduction is proposed since this is not a feasible option for this project. The proposed septic system replacement is designed to minimize disturbance of existing vegetation and any disturbed areas will be replanted with native vegetation. The drain field is expected to visually blend into the landscape within a short time after installation. Therefore, the proposed development will not result in materially detrimental effects on the character, design, and streetscape of the surrounding neighborhood.

6. ***The requested variance would be consistent with the spirit and purpose of the environmentally critical policies and regulations.***

The environmentally critical policies and regulations were created to preserve existing environmentally critical areas while allowing reasonable use of existing parcels. The applicant proposes to replace a no-longer-functioning septic system with a new system which is will be minimally intrusive into environmentally critical areas and buffers. Work in the ECAs will be performed using hand operated equipment. Disturbed areas will be re-vegetated with native vegetation. The proposal would be consistent with the spirit and purpose of the environmentally critical policies and regulations.

C. When an environmentally critical areas variance is authorized, the Director may attach conditions regarding the location, character and other features of a proposed development to carry out the spirit and purpose of this chapter.

The project as proposed is designed to minimize ECA disturbance. Additional conditions are not warranted.

SMC 25.09.180.E. Steep Slope Area Variance.

2. If any buffer reduction or development in the critical area is authorized by a variance under subsection E1, it shall be the minimum to afford relief from the hardship and shall be in the following sequence of priority:

- ***a. reduce the yards and setbacks, to the extent reducing the yards or setbacks is not injurious to safety;***
- ***b. reduce the steep slope area buffer;***
- ***c. allow an intrusion into not more than thirty percent (30%) of the steep slope area.***

The location of the existing residence is not changing as part of this proposal, so reductions of required yards will not provide relief. The steep slope and steep slope buffer occupies a large portion of the site, and there is not enough area outside of the ECA and buffer to located the replacement system. The intrusion into the steep slope and buffer would impact about 15% of the total. The proposed development follows the sequence of priority and does not create an intrusion of more than 30% of the steep slope area. The proposal therefore meets this criterion.

3. The Director may impose additional conditions on the location and other features of the proposed development as necessary to carry out the purpose of this chapter and mitigate the reduction or loss of the yard, setback, or steep slope area or buffer.

The proposed septic system is designed to be minimally intrusive into the ECA and buffer, installation in the ECAs will use hand operated equipment and disturbed areas will be re-vegetated with native vegetation. Additional conditioning is not warranted.

DECISION – STEEP SLOPE AREAS VARIANCE

ECA Variance to allow installation of a drip irrigation drain filed for on-site sewage disposal in a steep slope ECA and buffer is **GRANTED.**

CONDITIONS OF VARIANCE APPROVAL

None.

Signature: (signature on file) Date: May 24, 2010
Molly Hurley, Senior Land Use Planner
Department of Planning and Development

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